



Phone: (302) 425-6467
Fax: (302) 425-6464
Email: dube@blankrome.com

January 17, 2008

BY CM/ECF AND HAND DELIVERY

The Honorable Joseph J. Farnan, Jr.
United States District Court
District of Delaware
844 King Street
Wilmington, DE 19801

Re: • *Magten Asset Management Corp. and Law Debenture Trust Co. v. Northwestern Corp.*; C.A. No. 04-1494-JJF
• *Magten Asset Management Corp. v. Mike J. Hanson and Ernie J. Kindt*; C.A. No. 05-0499-JJF

Your Honor:

I write on behalf of the Plaintiffs in the above-referenced actions. The cases are scheduled for a joint pretrial conference on February 7, 2008, and submission of the proposed pretrial order is due on January 31, 2008. The draft pretrial order the Plaintiffs previously submitted to the Defendants contains a discussion point for the pretrial conference regarding the possible filing of motions in limine or other similar motions. On January 10, 2008 – after providing an approximately one hour notice – the Defendants filed separate motions in limine to strike and exclude the testimony of Plaintiffs' expert witnesses.

It is the Plaintiffs' understanding that, under local practice, motions in limine should not be filed without leave of the Court, particularly given that (a) the trial against NorthWestern (case 04-1494) will be a bench trial, and (b) assuming the trial against NorthWestern goes forward on March 3, the jury trial against Messrs. Hanson and Kindt (05-0499) has not yet been assigned a trial date.

To the extent that the Court prefers to address the issues raised by Defendants' motions as they arise within the context of trial, responsive briefing is an unnecessary burden on both the Court and the Plaintiffs. To the extent that the Court is willing to entertain motions in limine or other similar motions, Plaintiffs also intend to raise several motions. For obvious reasons, briefing on all such permitted motions should proceed on the same schedule – following discussion with the Court at the pretrial conference.

This will certify, pursuant to Local Rule 7.1.1, that Plaintiffs' requested relief was discussed with counsel for each Defendant. Defendants would not agree to a stay of briefing



The Honorable Joseph J. Farnan, Jr.
January 17, 2008
Page 2

until the February 7 pretrial conference on their prematurely-filed motions, thus necessitating that relief be sought from the Court.

Accordingly, the Plaintiffs hereby request that briefing on the Defendants' respective motions in limine be stayed until the pretrial conference on February 7, 2008, or until such time as the Court determines whether it will permit such motions. The Plaintiffs respectfully request that the Court adopt this procedure by entering the order below.

Counsel is available by telephone if the Court would like to discuss this matter in advance of the pretrial conference.

Respectfully submitted,

Dale R. Dubé
I.D. No. 2863

DRD/pb

cc: Clerk of Court (via hand delivery)
Myles Bartley, Esquire (via e-mail and Federal Express)
Kimberly A. Beatty, Esquire (via e-mail and Federal Express)
John W. Brewer, Esquire
Victoria W. Counihan, Esquire (via e-mail and hand delivery)
Amanda Darwin, Esquire (via e-mail and Federal Express)
Nancy E. Delaney, Esquire (via e-mail and Federal Express)
Miriam K. Harwood, Esquire (via e-mail and Federal Express)
Stanley T. Kaleczyc, Esquire (via e-mail and Federal Express)
Gary L. Kaplan, Esquire
Denise Seastone Kraft, Esquire (via e-mail and hand delivery)
Dennis A. Meloro, Esquire (via e-mail and hand delivery)
Kathleen M. Miller (via e-mail and hand delivery)
Jordanna L. Nadritch, Esquire
Joseph D. Pizzurro, Esquire (via e-mail and Federal Express)
Steven J. Reisman, Esquire (via e-mail and Federal Express)
Peter B. Siroka, Esquire
John V. Snellings (via e-mail and Federal Express)
Bonnie Steingart

SO ORDERED this _____ day of _____, 2008.

Honorable Joseph J. Farnan, Jr.
United States District Court Judge